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## **Testimony of the Association of Connecticut Lobbyists**

### **In Support of House Bill 6272**

### ***An Act Concerning Revisions to the Code of State Ethics***

### **Joint Committee on Government Administration and Elections**

**February 7, 2011**

Distinguished members of the Government Administration and Elections Committee, on behalf of the over 170 members of the ACL, we submit the following comments on House Bill 6272, *Act Concerning Revisions to the Code of State Ethics*. We urge the committee to support the bill with what we hope you will agree are minor, but critical changes.

Section 14, starting on line 842 represents a significant improvement over the harmfully vague phrase “incidental to.” The bill requires an individual to be registered to lobby if their work is “within the scope” of his/her employment by clarifying which individuals would be required to track his/her time spent “lobbying,” and who might have to register with the Office of State Ethics. During the past couple of years, there has been extensive discussion among regulators and members of the lobbying community regarding the question of who should be tracking his/her time for Ethics registration and reporting requirements. The current law is confusing and does not provide a clear, bright-line test. Specifically, there is text within the current statutes that could be interpreted to mean that a person could be required to track his/her time and could also be considered a lobbyist if lobbying is “incidental to” such person’s employment. We believe that the term “incidental to” is subject to different definitions and we applaud the Office of State Ethics and the leadership of the GAE Committee for the vastly improved amended language contained within Section 14.

Our Association believes that: (1) if a person is being specifically paid to lobby, or (2) if lobbying is within the normal scope of that person’s regular employment, then that person should be required to track his/her time if he/she is actually lobbying a bill or a regulation. On the other hand, if a person is not being specifically paid to lobby and/or lobbying is not within the normal scope of the person’s regular employment; and the person is simply exercising his/her First Amendment right to petition the government, then that person should not be required to track his/her time and should not have to register with and/or report to the Office of State Ethics.

We therefore respectfully request that GAE Committee consider making the following critical amendments to this greatly improved definition :

on line, 851 insert the word “normal” before “scope”

on line 852 remove the brackets around the word “regular.”

on line 855, a corresponding change would need to be made by inserting the word “normal” before “scope.”

Finally, we support the proposed increase in the dollar threshold that triggers an individual’s registration as a lobbyist from its current level of \$2,000 to \$3,000 in Section 11, starting on line 725. Thank you very much for your consideration.